

By: Guerra

H.B. No. 1373

A BILL TO BE ENTITLED

AN ACT

relating to a study on leasing state property for private use.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" means the Texas Higher Education Coordinating Board.

(2) "Commission" means the Texas Facilities Commission.

(3) "Space" means a room, conference room, hall, stage, dance studio, rehearsal space, or other area in a state building or on state property.

SECTION 2. STUDY REGARDING LEASED SPACE OF STATE AGENCIES.

(a) In collaboration with the Texas Commission on the Arts, the commission shall conduct a study to assess the feasibility of leasing to artists for the practice and performance of their arts available spaces in state agency buildings or on state agency property.

(b) In conducting the study, the commission shall consider:

(1) the types of spaces in state agency buildings or on state agency property that are appropriate for leasing;

(2) the location of each building or property with a space identified as potentially available for lease;

(3) the times each identified space would be available for lease;

1           (4) the persons to whom each identified space may be  
2 leased;

3           (5) any disadvantages to leasing each identified  
4 space, including sensitive surroundings or information that may be  
5 at risk during the lease;

6           (6) the fair market value for leasing each identified  
7 space;

8           (7) any tax implications for accepting a lease payment  
9 from a private business for private use of each identified space;

10          (8) the use limitations that may need to be included in  
11 a lease agreement for each identified space;

12          (9) security measures that hinder or enhance the  
13 availability or value of each identified space; and

14          (10) any other issue that would negatively impact or  
15 prohibit leasing each identified space.

16          (c) The study must identify:

17               (1) the criteria used to determine the feasibility of  
18 leasing each space identified as available for lease;

19               (2) the measures instituted to avoid viewpoint bias or  
20 other possible biases in the selection of a lease holder;

21               (3) the authorized uses of lease income by state  
22 agencies to benefit each agency offering space for lease; and

23               (4) the reasons a state agency would be authorized to  
24 decline to lease space at the agency.

25          SECTION 3. STUDY REGARDING LEASED SPACE OF PUBLIC  
26 INSTITUTIONS OF HIGHER EDUCATION. (a) In collaboration with the  
27 Texas Commission on the Arts, the board shall conduct a study to

1 assess the feasibility of leasing to artists for the practice and  
2 performance of their arts available spaces in buildings or property  
3 of public institutions of higher education in this state.

4 (b) In conducting the study, the board shall consider:

5 (1) the types of spaces in buildings or on property of  
6 public institutions of higher education that are appropriate for  
7 leasing;

8 (2) the location of each building or property with a  
9 space identified as potentially available for lease;

10 (3) the times each identified space would be available  
11 for lease;

12 (4) the persons to whom each identified space may be  
13 leased;

14 (5) any disadvantages to leasing each identified  
15 space, including sensitive surroundings or information that may be  
16 at risk during the lease;

17 (6) the fair market value for leasing each identified  
18 space;

19 (7) any tax implications for accepting a lease payment  
20 from a private business for private use of each identified space;

21 (8) the use limitations that may need to be included in  
22 a lease agreement for each identified space;

23 (9) security measures that hinder or enhance the  
24 availability or value of each identified space; and

25 (10) any other issue that would negatively impact or  
26 prohibit leasing each identified space.

27 (c) The study must identify:

1 (1) the criteria used to determine the feasibility of  
2 leasing each space identified as available for lease;

3 (2) the measures instituted to avoid viewpoint bias or  
4 other possible biases in the selection of a lease holder;

5 (3) the authorized uses of lease income by public  
6 institutions of higher education to benefit each institution  
7 offering space for lease; and

8 (4) the reasons a public institution of higher  
9 education would be authorized to decline to lease space at the  
10 institution.

11 SECTION 4. REPORT TO LEGISLATURE. Not later than December  
12 2, 2022, the commission and board shall submit a report to each  
13 member of the legislature that includes the results of the studies  
14 conducted under Sections 2 and 3 of this Act and any recommendations  
15 of the commission and board related to the studies and statutory  
16 changes necessary to authorize leasing space to artists for the  
17 practice and performance of their arts at state agencies and public  
18 institutions of higher education.

19 SECTION 5. EXPIRATION. This Act expires September 1, 2023.

20 SECTION 6. EFFECTIVE DATE. This Act takes effect  
21 immediately if it receives a vote of two-thirds of all the members  
22 elected to each house, as provided by Section 39, Article III, Texas  
23 Constitution. If this Act does not receive the vote necessary for  
24 immediate effect, this Act takes effect September 1, 2021.